

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ALICIA FABRE, -X Docket No.: 2:13-cv-05278
Plaintiff, : (SJF-ARL)
: :
-against- : **VERIFIED ANSWER**
BUSY BEE STORES CORPORATION, : **WITH DEFENSES**
Defendant. : Assigned District Judge:
: Hon. Sandra J. Feuerstein
: Assigned Magistrate Judge:
: Hon. Arlene R. Lindsey

Defendant, BUSY BEE STORES CORP. ("Defendant"), by and through its attorneys, Murphy, Bartol & O'Brien, LLP, as and for its Answer to Plaintiff's, ALICIA FABRE, Complaint For Employment Discrimination ("Complaint"), respectfully alleges:

1. Defendant denies knowledge or information sufficient to form a belief about the truth of the allegations contained Paragraph One (“1”) of the Complaint.
 2. Defendant denies the allegations contained in Paragraph Two (“2”) of the Complaint, except admits that Defendant’s office is located at 1108 Route 109, Farmingdale, New York 11735 and that Defendant operates a business at 445 West Jericho Turnpike, Huntington, New York 11743.
 3. Defendant denies the allegations contained in Paragraph Three (“3”) of the Complaint, except admits that Defendant’s office is located at 1108 Route 109, Farmingdale, New York 11735 and that Defendant operates a business at 445 West Jericho Turnpike, Huntington, New York 11743.
 4. Defendant denies the allegations contained in Paragraph Four (“4”) of the Complaint.
 5. Defendant denies the allegations contained in Paragraph Five (“5”) of the

Complaint.

6. Defendant denies the allegations contained in Paragraph Six ("6") of the Complaint.

7. Defendant denies the allegations contained in Paragraph Seven ("7") of the Complaint.

8. With respect to the allegations contained in Paragraph Eight ("8") of the Complaint, Defendant admits only that Plaintiff called Defendant to inquire about a position, Defendant denies knowledge or information sufficient to form a belief about the truth of the allegations as to Plaintiff speaking with her attorney and Defendant denies all other allegations contained therein and inferred therefrom.

9. Defendant denies knowledge or information sufficient to form a belief about the truth of the allegations contained Paragraph Nine ("9") of the Complaint.

10. Defendant denies knowledge or information sufficient to form a belief about the truth of the allegations contained Paragraph Ten ("10") of the Complaint.

11. Defendant denies knowledge or information sufficient to form a belief about the truth of the allegations contained Paragraph Eleven ("11") of the Complaint.

12. Defendant denies knowledge or information sufficient to form a belief about the truth of the allegations contained Paragraph Twelve ("12") of the Complaint and Defendant denies the allegations contained in the WHEREFORE paragraph which follows immediately thereafter.

AS AND FOR DEFENDANT'S FIRST DEFENSE

13. Plaintiff's Complaint may fail to state a claim upon which relief can be granted.

AS AND FOR DEFENDANT'S SECOND DEFENSE

14. Plaintiff's claims are barred by the doctrine of unclean hands.

AS AND FOR DEFENDANT'S THIRD DEFENSE

15. Plaintiff's claims may be barred by the applicable Statute of Limitations.

AS AND FOR DEFENDANT'S FOURTH DEFENSE

16. Defendant never received an application for employment from Plaintiff and, therefore, Defendant could not consider Plaintiff for employment.

AS AND FOR DEFENDANT'S FIFTH DEFENSE

17. Defendant, by its employees or otherwise, did not fail to hire Plaintiff based upon gender or sex.

AS AND FOR DEFENDANT'S SIXTH DEFENSE

18. Defendant, by its employees or otherwise, did not fail to hire Plaintiff for any reason.

AS AND FOR DEFENDANT'S SEVENTH DEFENSE

19. Defendant is an equal opportunity employer and as of the date of the alleged discrimination had and as of the date hereof has both male and female employees.

WHEREFORE, Defendant respectfully prays the Court enter a judgment:

- A. Dismissing Plaintiff's Complaint in its entirety with prejudice;
- B. Awarding Defendant costs and reasonable attorney fees incurred in connection with this action; and

[INTENTIONALLY LEFT BLANK]

C. Granting such other and further relief the Court in its discretion deems just and proper.

Dated: February, 27, 2014
Mineola, New York

Respectfully submitted,

MURPHY, BARTOL & O'BRIEN, LLP

By:


KEVIN J. O'BRIEN, ESQ.
Murphy, Bartol & O'Brien, LLP
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TO: ALICIA FABRE, *Pro Se*
10 Crown Avenue
Huntington, New York 11743

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

I, Michael Plant, being duly sworn, depose and say:

I am a Director/Operations of BUSY BEE STORES CORP., the Defendant in the within action. I have read and know the contents of the foregoing Verified Answer and that the same is true to my own knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true.

I make this Verification because BUSY BEE STORES CORP. is a domestic corporation and I am an officer thereof, to wit: its Vice President. The grounds of my belief as to all matters not stated upon my own knowledge are as follows: The files and records of BUSY BEE STORES CORP.

Michael Plant VP

Name:

Position:

Sworn to before me this
27 day of February, 2014

G. O'Brien
Notary Public

KEVIN J. O'BRIEN
Notary Public, State of New York
No. 02OB60011934
Qualified in Suffolk County
Commission Expires January 26, 2017

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AFFIDAVIT OF SERVICE
OF VERIFIED ANSWER

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VERIFIED ANSWER WITH DEFENSES

MURPHY, BARTOL & O'BRIEN, LLP

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